

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

REPAIRIFY, INC.,

Plaintiff,

V.

KEYSTONE AUTOMOTIVE
INDUSTRIES, INC. d/b/a ELITEK
VEHICLE SERVICES, and DOES 1 through
20, inclusive,

Defendants.

Case No. 6:21-cv-00819-ADA-DTG

JURY TRIAL DEMANDED

**DEFENDANT ELITEK'S OPPOSITION TO PLAINTIFF REPAIRIFY'S
MOTION TO WITHDRAW EUGENE HAHM AND VIJAY TOKE OF PRANGER LAW
AS COUNSEL OF RECORD**

Defendant Keystone Automotive Industries, Inc. d/b/a Elitek Vehicle Services (“Elitek”) could not consent to Plaintiff Repairify Inc.’s (“Repairify”) Motion to withdraw Eugene Hahm and Vijay Toke as counsel of record for Repairify because Repairify is using its substitution of counsel to delay trial in this matter. Repairify argues that there would be no undue prejudice or delay that would result from this withdraw, but that is incorrect. Repairify’s new counsel has objected to the current trial date of August 19 and has requested a trial date no earlier than mid-December to accommodate its new counsel’s schedule. As discussed in Elitek’s reply in support of its motion to enforce settlement, such a delay would be highly prejudicial to Elitek. *See* Dkt. No. 293 at 2-3. If trial proceeds on August 19 (or any date prior to mid-December), Repairify’s new counsel apparently will be unable to proceed with trial. Therefore, Repairify will need Hahm and Toke to proceed at any trial scheduled before mid-December.

Repairify also argues that it needs to remove Hahm and Toke as counsel to “streamline the lawyers having an active role in this matter going forward,” but Hahm and Toke do not have to withdraw in order for them to have a reduced role. Thus, there is no valid reason for them to withdraw at this time.

Because Repairify is using its substitution of counsel to delay trial and prejudice Elitek and because Repairify will not suffer any prejudice from Hahm and Toke staying as counsel of record in this matter and will benefit from their continued involvement, Elitek respectfully request that the Court deny Repairify’s motion to withdraw Hahm and Toke as Repairify’s counsel of record.

Dated: August 8, 2024

Respectfully submitted,

By: /s/ Barry F. Irwin

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system.

/s/ *Barry F. Irwin*

Barry F. Irwin